

APPEAL NO. 020944
FILED MAY 28, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 22, 2002. The hearing officer determined that the appellant (claimant) sustained a compensable (right shoulder) injury on _____ (all dates are 2001 unless otherwise noted), but that the claimant did not have disability from the compensable injury. The hearing officer's determination that the claimant had sustained a compensable injury has not been appealed and has become final pursuant to Section 410.169.

The claimant appeals the disability determination, contending that the doctor had him in an off-work status and that he had been placed on light duty prior to being laid off. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

In an unappealed determination, the hearing officer found that the claimant had sustained a compensable right shoulder injury while attempting to pick up a heavy piece of plywood on Monday, _____. Although the claimant contends that his arm was numb and he could not move it, he continued working his regular job through July 6 without anyone noticing his injury. The claimant reported his injury on July 6 and worked light duty on July 7 and 8. The claimant was laid off of his temporary job on July 8. The claimant first sought medical attention from a chiropractor on July 19, when the doctor took him off work.

The hearing officer commented in his decision that the claimant's "gross exaggeration of the effects of his injury" was inconsistent with his own doctor's range of motion findings in July and August. The hearing officer concluded that the claimant's "testimony that he could not use his right arm was not credible. Claimant did not stop working because he became unable to work, he stopped working because he was laid off." Disability is defined in Section 401.011(16) as the inability because of a compensable injury to obtain and retain employment at the preinjury wage. The hearing officer here clearly believed that the claimant's unemployment was due to the layoff rather than the compensable injury.

After review of the record before us and the complained-of determination, we have concluded that there is sufficient support for the hearing officer's decision. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**C.T. CORPORATION
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Roy L. Warren
Appeals Judge